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ABSTRACT

In conjunction with a bond proposal for energy related items, the North County Public Schools (Missouri) undertook the task of removing friable asbestos Missouri school district undertook the task of removing friable asbestos from schools. Specifications for asbestos abatement prepared by the district administrative office were reviewed by the Environmental Protection Agency (EPA). A prebidding conference allowed prospective bidders to examine each facility. In addition to requesting the usual costs of the abatement project, bidders were asked to provide previous references; a full financial disclosure; and, since insurance costs could easily be as much as one-third or more of the bid price, an insurance company's verification of insurability. Monitoring the abatement project involved periodic visits by EPA and school district officials. The district became one of four in Missouri to receive federal money, and became the only Missouri district to receive funds for the second year. To promote a positive asbestos abatement project, school districts are advised to (1) allot enough time to obtain funding; (2) prepare plans and specifications that conform to the law; (3) solicit early bids, with prebid conferences mandatory for prospective bidders; (4) have the school attorney review final contract documents; (5) monitor the project themselves in addition to other monitoring agencies or consultants; and (6) actively pursue federal money. Attached is a three-page handout summarizing the guidelines. (NLF)

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ASBESTOS: FROM BEGINNING TO END

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"ASBESTOS: FROM BEGINNING TO END"

OUR PRESENTATION TODAY CERTAINLY CANNOT BE EQUATED WITH A PANACEA, NOR DO WE EVEN ATTEMPT TO HAVE ALL THE ANSWERS. POSSIBLY WE CONTINUE TO HAVE MORE QUESTIONS THAN ANSWERS. HOWEVER, AND POSSIBLY MORE IMPORTANT, WE DID UNDERTAKE THE TASK OF REMOVING FRIABLE ASBESTOS FROM OUR SCHOOL DISTRICT. THIS WAS ATTEMPTED IN CONJUNCTION WITH A BOND PROPOSAL FOR OTHER ENERGY RELATED ITEMS SUCH AS NEW ALUMINIZED STEEL ROOFS AND SIGNIFICANT WINDOW GLAZING REDUCTION.

THE MAIN THRUST OF THIS PRESENTATION WILL FOCUS ON THE REALITY OF HAVING TO DEAL WITH AN OBVIOUS EMOTIONAL TOPIC WITHOUT REALLY HAVING THE FINANCIAL RESOURCES TO CARRY OUT THE PROJECT. THERE ARE EXPERTS ON BOND PROPOSALS -- ALL WE CAN SAY IS THAT NO STONE WAS LEFT UNTURNED IN METHODICALLY SEEKING EVERY "YES" VOTE WE COULD MUSTER. THE BOND PROPOSAL, HELD IN MARCH OF 1985, PASSED BY 76%. PAST PUBLIC SUPPORT OF SIMILAR PROPOSALS HAD BEEN TREATED FAVORABLY, HOWEVER, THE ECONOMIC MOOD OF OUR AREA

WAS LESS THAN DESIRABLE AT THIS TIME. A CONSCIOUS EFFORT WAS MADE NOT TO USE ASBESTOS AS THE EMOTIONAL CATALYST TO PROMOTE THE BOND ISSUE. CERTAINLY IT WAS UPPERMOST IN OUR MINDS, BUT WE DIDN'T BELIEVE IT WAS FAIR TO OUR PUBLIC TO USE THIS ISSUE AS UN-REASONABLE LEVERAGE. OUR APPROACH TO THIS PARTICULAR PORTION OF THE BOND ISSUE WAS FACTUAL, STRAIGHTFORWARD INFORMATION REGARDING ASBESTOS. IT SUBSTANTIATED HEALTH HAZARDS AND WHAT OUR OBLIGATIONS TO THE PUBLIC WERE. YES, IT WAS DIFFICULT TO STAND IN FRONT OF A PARENT GROUP AND RECEIVE THEIR OBVIOUS CONCERNS. BUT, THE ALTERNATIVE OF WAITING UNTIL PUBLIC PRESSURE FORCED THE ISSUE PRESENTED NO VIABLE ALTERNATIVE.

AT THIS SAME TIME WE HAD BEEN IN CLOSE COMMUNICATION WITH THE ENVIRONMENTAL PROTECTION AGENCY FOR ON-SITE VISITS AND RECOMMENDATIONS. EARLIER OUR TEST SAMPLES HAD ALREADY CONFIRMED THE PRESENCE OF ASBESTOS. NOW WE HAD TO DEAL WITH THE REALITY OF REMOVAL. REMOVAL WAS CHOSEN AS THE BEST ALTERNATIVE

MERELY BECAUSE ONCE GONE IT WOULD NOT BE A RE-OCCURRING PROBLEM. OTHER FORMS OF RECOMMENDATIONS IN OUR OPINION WERE MERELY COSMETIC AND WOULD REQUIRE ONGOING INSPECTIONS AND MONITORING.

PASSING THE BOND PROPOSAL WAS NO DOUBT ONE OF THE MAJOR HURDLES NECESSARY TO RID OUR BUILDINGS OF ASBESTOS (55,000 SQ. FT. CEILINGS AND PIPE WRAP). AFTER THE ELATION OF A VICTORY, THE HARD WORK PROVED TO BE JUST AROUND THE CORNER.

BRIEFLY, WE WANT TO HIGHLIGHT THE PROCESS FOLLOWED FROM BEGINNING TO END OF THE ABATEMENT ACTIVITIES. ALTHOUGH AN ARCHITECT WAS RETAINED FOR OTHER AREAS OF OUR ENERGY REDUCTION PROJECT THERE WAS ONLY MINIMAL INVOLVEMENT IN THE AREA OF ASBESTOS. THE DEVELOPMENT OF A PLAN OF ACTION SEEMED TO BE OUR NEXT STEP.

I. PRELIMINARY PLANNING:

PRIOR TO THE BOND PROPOSAL OUR DISTRICT HAD BEEN IN CONTACT WITH THE ENVIRONMENTAL PROTECTION AGENCY REQUESTING AN ON-SITE INSPECTION AND FOLLOW-UP RECOMMENDATIONS. AT THE TIME OF OUR REQUEST THEY WERE ALSO INUNDATED WITH SIMILAR REQUESTS, THEREFORE OUR TIME FRAME WAS IN JEOPARDY. IN ORDER TO EXPEDITE THE IDENTIFICATION PROCESS, WE SOLICITED THE HELP OF A PRIVATE CONTRACTOR TO HELP US EVALUATE OUR PARTICULAR SITUATION. A PRIVATE INDUSTRIAL HYGIENIST WAS ALSO ENGAGED TO EXAMINE THE SUSPECTED SAMPLES. NOT LONG AFTER THESE FINDINGS THE E.P.A. WAS ABLE TO COME INTO THE DISTRICT AS WELL AS AN AGENT FROM THE MISSOURI STATE HEALTH DEPARTMENT. WITH FEW EXCEPTIONS THERE WAS UNANIMITY ON THE DECISION TO EXERCISE COMPLETE REMOVAL AS THE ABATEMENT PROCESS. ALTHOUGH IT WAS GOING TO BE MORE COSTLY, THERE WAS A COMMITMENT MADE TO OUR STUDENTS, STAFF AND PUBLIC TO RID OUR DISTRICT OF FRIABLE ASBESTOS.

A BLUE RIBBON COMMITTEE WAS ALSO ESTABLISHED TO ASSIST IN COMMUNICATING THE ENTIRE BOND PROPOSAL TO THE VOTING CONSTITUENCY. CERTIFIED AND NON-CERTIFIED STAFF, AWARE OF THE PRESENCE OF ASBESTOS, WERE ENCOURAGED TO SUPPORT THE PROPOSAL. EVERY CIVIC AND SERVICE CLUB WAS SOLICITED FOR ADDITIONAL COMMUNITY BASE SUPPORT. AFTER MEETING WITH PARENT/TEACHER GROUPS, IT WAS ALWAYS EXTREMELY DIFFICULT TO TRY TO JUSTIFY BALANCES WHEN PARENTS ARGUE THAT THE HEALTH AND WELFARE OF THEIR CHILDREN IS MOST IMPORTANT. THE DISTRICT ALWAYS COMES OUT SECOND BEST IN SUCH A CONFRONTATION. NEVERTHELESS, PARENT GROUPS WERE SUPPORTIVE PRIMARILY DUE TO THE STRAIGHTFORWARD POSITIVE ATTITUDE PRESENTED BY THE DISTRICT. WE COULD GO ON AND ON DETAILING THE MANY PROCESSES UTILIZED IN THE PASSAGE OF THE BOND PROPOSAL. THE OVERRIDING POINT IS THE FACT THAT PLAYING OFFENSE WAS FAR BETTER THAN DEFENSE.

II. SPECIFICATIONS:

SPECIFICATIONS FOR ASBESTOS ABATEMENT WERE PREPARED BY OUR ADMINISTRATIVE OFFICE. IN MANY CASES THE LAW CLEARLY DICTATED WHAT AND HOW THE REMOVAL PROCESS WAS TO BE CARRIED OUT. A CAREFUL REVIEW WAS MADE OF QUALITY SPECIFICATIONS ALREADY UTILIZED. OUR SPECIFICATIONS WERE THEN TAILORED TO OUR PARTICULAR SITUATION AND REVIEWED BY THE E.P.A. WE FEEL OUR DOCUMENT IS GOOD -- AND MET OUR NEEDS AS WELL AS THE REQUIREMENTS OF THE VARIOUS GOVERNMENTAL ENTITIES.

III. PRE-BID CONFERENCE/BIDDING AND SELECTING A QUALIFIED CONTRACTOR:

A PRE-BIDDING CONFERENCE WAS HELD TO ALLOW PROSPECTIVE BIDDERS TO COME INTO THE DISTRICT AND EXAMINE EACH FACILITY. THIS PROVED TO BE AN EXCELLENT SCREENING TOOL FOR THE DISTRICT AS WELL AS PROVIDING EACH BIDDER THE OPPORTUNITY TO ASK QUESTIONS AND FOR US TO EMPHASIZE THE CONDITIONS OF WALLS, CEILINGS, FLOOR TILE, ETC., WHICH COULD SUFFER DAMAGE IN THE WETTING PROCESS OF REMOVAL.

IN ADDITION TO REQUESTING THE USUAL COSTS OF THE ABATEMENT PROJECT, WE ALSO ASKED FOR PREVIOUS REFERENCES AND A FULL FINANCIAL DISCLOSURE OF THE CONTRACTOR. THE WORST THING TO HAVE HAPPEN WOULD BE TO GET IN THE MIDDLE OF A SUMMER ASBESTOS REMOVAL PROJECT AND HAVE YOUR CONTRACTOR SUDDENLY CLOSE SHOP DUE TO POOR FINANCIAL STABILITY. SEPTEMBER COMES VERY QUICKLY AND BUILDINGS WOULD NOT BE SUITABLE FOR RE-ENTRY. A GOOD FINANCIAL REVIEW AND A STATEMENT VERIFYING INSURABILITY (FROM THE INSURANCE CARRIER) FOR THE DURATION OF YOUR PROJECT COULD PROVE TO BE ONE OF THE MOST IMPORTANT ACTIVITIES UNDERTAKEN.

APPROXIMATELY 10 MAJOR COMPANIES, MANY FROM OUT OF STATE CAME TO OUR PRE-BID CONFERENCE. IN THE FINAL ANALYSIS WE ENDED UP WITH FOUR SOLID BIDS. THERE WAS A CONSIDERABLE RANGE OF FEES AND INTERESTINGLY ENOUGH WE DID NOT SELECT THE LOW BIDDER WHICH IS USUALLY CUSTOMARY. IN THIS CASE THE LOW BIDDER WAS NOT ABLE TO SECURE PROPER LIABILITY

INSURANCE. THIS MAY WELL BE A SIGNIFICANT FACTOR SHOULD YOU BE CONSIDERING SUCH A PROJECT, AS INSURANCE COSTS COULD EASILY BE AS MUCH AS 1/3 OR MORE OF THE BID PRICE SUBMITTED BY A CONTRACTOR. MANY CONTRACTORS ARE FINDING THE INSURANCE TOO STEEP AND HAVE WITHDRAWN FROM THE ARENA. ALL THIS HAS DONE IS NARROW THE SELECTION OF CONTRACTORS TO A MINIMUM AND ADDS TO THE RISING COST OF ABATEMENT PROGRAMS.

IV. MONITORING:

MONITORING THE ABATEMENT ACTIVITY -- WHILE THE E.P.A. (ENVIRONMENTAL PROTECTION AGENCY) AND THE D.N.R. (DEPARTMENT OF NATURAL RESOURCES) WERE ON SITE PERIODICALLY, IT ALSO BECOMES NECESSARY TO ACTUALLY SUIT UP YOURSELF AND MONITOR THE VARIOUS PHASES OF THE REMOVAL. IT LETS THE CONTRACTOR KNOW YOU ARE AWARE OF HIS ACTIVITIES AND KEEPS GOOD SUPERVISION COVERAGE. IF YOU SEE SOMETHING THAT ISN'T RIGHT

SUCH AS SLOPPY TAPING OR IMPROPER LAPPING OF VINYL, LET THEM KNOW UP FRONT OF YOUR DISSATISFACTION. REMEMBER YOU ARE THE OWNER AND ULTIMATELY RESPONSIBLE FOR YOUR FACILITIES. BY BEING VIGILANT THE RISK OF SUCH INFRACTIONS BECOMING NOTICED BY E.P.A. OFFICIALS IS LESSENER.

ALL OF OUR ABATEMENT WAS STARTED AND COMPLETED DURING THE SUMMER MONTHS WHILE SCHOOL WAS NOT IN SESSION. WE DID NOT HAVE THE FLEXIBILITY OF UNDERTAKING SUCH A PROJECT AT ANY OTHER TIME. THEREFORE, TIMING FOR US WAS IMPORTANT FROM THE TIME THE BOND ISSUE WAS PASSED IN EARLY MARCH UNTIL A CONTRACTOR WAS SELECTED FOR REMOVAL TO BEGIN IN EARLY JUNE.

V. FEDERAL MONEY:

DURING OUR BOND PROPOSAL PREPARATION, IT HAD ALSO COME TO OUR ATTENTION THAT FEDERAL MONEY WAS AVAILABLE IN EITHER LOANS OR GRANTS TO ASSIST WITH THE ABATEMENT PROCESS.

FORMS HAD ALREADY BEEN RECEIVED AND WERE SUBMITTED AFTER THE BOND PROPOSAL. WHILE WE FELT WE HAD A GOOD PROPOSAL, THERE IS ALWAYS DOUBT WHEN SEEKING SUCH FUNDS. FORTUNATELY, OUR DISTRICT WAS ONE OF FOUR IN MISSOURI TO RECEIVE FEDERAL MONEY. ALBEIT, IT WASN'T WHAT WE HAD HOPED, BUT WITH A "NO STRINGS GRANT" AND TWENTY YEAR INTEREST FREE LOANS, ONE CAN HARDLY FIND FAULT WITH WINDFALL REVENUE.

IT MUST BE EMPHASIZED THAT THE FORMS WERE NOT ALWAYS EASY AND THEY REQUIRED SIGNIFICANT DOCUMENTATION AND RECORD KEEPING, BUT THE PAYOFF WAS WORTHWHILE.

AGAIN THIS PAST YEAR A SECOND FUNDING CYCLE WAS AVAILABLE THROUGH THE FEDERAL GOVERNMENT. EVEN THOUGH OUR REMOVAL PROJECT HAD BEEN COMPLETED IN 1985, WE ATTENDED E.P.A. REGIONAL MEETINGS AND WERE ENCOURAGED TO APPLY FOR ADDITIONAL FUNDS AFTER THE FACT. MUCH TO OUR SURPRISE, OUR APPLICATION WAS APPROVED AND THE DISTRICT BECAME THE ONLY PUBLIC SCHOOL IN MISSOURI TO RECEIVE FUNDS FOR THE SECOND YEAR.

THIS AMOUNT WAS SIGNIFICANTLY LARGER GIVING LATITUDE TO OUR BOND PROPOSAL FUNDS. TOTALLY WE HAVE RECEIVED \$215,844 IN GRANTS AND LOANS. CONSIDERING THE FACT THAT THE COST OF REMOVAL WAS \$229,995, WE FEEL EXTREMELY FORTUNATE.

THIS FUNDING AVAILABILITY IS ANALOGOUS TO WISHING TO WIN A "STATE LOTTERY". IF YOU DON'T BUY THE TICKET . . . YOU AIN'T GONNA WIN. YES, THERE WAS A LOT OF PAPERWORK, BUT IF YOU CAN PERSEVERE, YOUR CHANCES OF BEING SELECTED FOR FUNDING ARE AS GOOD AS ANYONE ELSE'S.

VI. REOCCUPANCY OF FACILITIES:

MOST ABATEMENT CONTRACTORS PROBABLY WILL NOT LEAVE BUILDINGS EXACTLY THE WAY THEY WERE FOUND. THEREFORE, AMPLE TIME SHOULD BE ALLOWED FOR RECLEANING, PAINTING AND OTHER NECESSARY AND PERHAPS COSMETIC TOUCHUPS.

IN OUR PARTICULAR SITUATION, THERE WAS SOME DAMAGE TO PAINTED WALLS AND DOOR FACINGS DUE TO WETTING AGENTS, DUCT TAPE AND GLUE FOR THE NEW SPRAYED-ON CEILING MATERIAL. WE NEEDED TO HAVE THE CONTRACTOR OUT OF THE BUILDINGS IN TIME FOR PREPARATIONS TO BEGIN SCHOOL AND AS THEY WERE RESPONSIBLE FOR THE DAMAGE TO WALLS, ETC., THEY AGREED TO ALLOW THE DISTRICT TO PURCHASE SUFFICIENT PAINT AND SUBTRACT THIS AMOUNT FROM THE FINAL PAYMENT.

VII. OVERVIEW/POINTS OF CONSIDERATION:

SEVERAL POINTS OF CONSIDERATION SHOULD BE NOTED FROM OUR EXPERIENCES, AS WELL AS TALKING WITH OTHER SCHOOL DISTRICTS, TO PROMOTE A POSITIVE ABATEMENT PROJECT: CHIEFLY THESE ARE:

1. PRELIMINARY PLANNING ALLOTING ENOUGH TIME TO OBTAIN FUNDING.

2. TAKE TIME TO PREPARE PLANS AND SPECIFICATIONS
THAT CONFORM TO THE LAW AND MEET YOUR NEEDS.
3. SOLICIT EARLY BIDS -- USE PRE-BID CONFERENCES
WHICH SHOULD BE MANDATORY FOR PROSPECTIVE BIDDERS.
4. REVIEW FINAL CONTRACT DOCUMENTS -- HAVE YOUR ATTORNEY
EXAMINE THIS DOCUMENT TO MAKE SURE THE DISTRICT
(OWNER) IS PROTECTED.
5. MONITOR THE PROJECT YOURSELF EVEN IN ADDITION TO
OTHER MONITORING AGENCIES OR CONSULTANTS. BY
ACTIVELY PARTICIPATING, YOU AS THE OWNER, CONVEY
A HIGH INTEREST LEVEL TO THE CONTRACTOR AND SUCH
OBSERVATIONS KEEP YOU INFORMED OF PROGRESS AS
PREPARATIONS FOR REOCCUPANCY ARE MADE.

6. ACTIVELY PURSUE FEDERAL MONEY AVAILABLE -- YOUR CHANCES ARE AS GOOD AS ANY OTHER APPLICANT.
7. BY ALL MEANS, DON'T IGNORE FRIABLE ASBESTOS. WE WOULD ENCOURAGE EACH OF YOU TO BE AGGRESSIVE AND UP-FRONT ABOUT THE PRESENCE OF ASBESTOS IN YOUR BUILDINGS. IT IS FAR EASIER TO BE ON THE OFFENSE.

VIII. FINAL NOTE:

THE HANDOUT YOU RECEIVED INDICATED THAT WE WOULD BE WILLING TO SHARE OUR SPECIFICATIONS AND OTHER PERTINENT DOCUMENTS WITH YOU FOR A NOMINAL FEE. WE HAVE HAD NUMEROUS REQUESTS FOR THIS INFORMATION; THEREFORE, THE EXPENSE IN COPYING AND POSTAGE HAS BECOME PROHIBITIVE. FIFTEEN DOLLARS (\$15.00) WILL COVER THESE COSTS. PLEASE WRITE AND ENCLOSE THE PROPER AMOUNT AND WE WILL FORWARD THE INFORMATION TO YOU.

IF WE CAN ASSIST YOU IN ANY OTHER MANNER, PLEASE LET US KNOW.

THANKS FOR YOUR ATTENTION TO WHAT WE BELIEVE TO BE A TIMELY TOPIC.

DR. GARY K. CAIN

DR. RICHARD C. McMULLIN

HANDOUT

"ASBESTOS: FROM BEGINNING TO END"

POINTS TO CONSIDER:

1. PRELIMINARY PLANNING - ONCE FRIABLE ASBESTOS HAS BEEN IDENTIFIED, ALLOW ENOUGH TIME TO OBTAIN PROPER FUNDING.
2. PLANS AND SPECIFICATIONS - EACH ABATEMENT PROJECT WILL HAVE SOME DIFFERENCES. TAKE THE NECESSARY TIME TO PREPARE SPECIFICATIONS THAT CONFORM TO EXISTING LAWS AND MEET YOUR SPECIFIC NEEDS.
3. SOLICIT EARLY BIDS - DON'T WAIT UNTIL THE LAST MINUTE TO SEEK BIDS. CONTRACTOR QUALIFICATIONS AND FINANCIAL PROFILES MUST BE REVIEWED PRIOR TO ACCEPTANCE. USE PRE-BID CONFERENCES WHICH SHOULD BE MANDATORY FOR PROSPECTIVE BIDDERS.

4. REVIEW FINAL CONTRACT DOCUMENTS - YOU MAY WISH TO HAVE YOUR SCHOOL ATTORNEY EXAMINE THIS DOCUMENT TO INSURE OWNER PROTECTION.
5. MONITORING THE PROJECT - IN ADDITION TO OTHER MONITORING AGENCIES, WE WOULD ENCOURAGE YOUR ACTIVE PARTICIPATION IN ON-SITE INSPECTIONS. THE CONTRACTOR BECOMES ACUTELY AWARE OF YOUR INTEREST AND YOU BECOME KNOWLEDGEABLE OF PROGRESS AND ANTICIPATED REOCCUPANCY.
6. FEDERAL MONEY - ACTIVELY PURSUE FEDERAL LOAN/GRANT MONEY WHILE AVAILABLE. PREPARING THE FORMS AND RECORD-KEEPING CAN BE BURDENSOME, BUT THE POTENTIAL REWARD OVERSHADOWS THE APPLICATION.

7. DON'T IGNORE FRIABLE ASBESTOS - YOU ARE ENCOURAGED
TO TAKE IMMEDIATE STEPS TO IDENTIFY AND TAKE
APPROPRIATE CORRECTIVE MEASURES BY:

- 1) REMOVAL
- 2) ENCLOSURE
- 3) ENCAPSULATION, or
- 4) MAINTENANCE AND REASSESSMENT

REMEMBER, IT'S FAR EASIER TO BE ON THE OFFENSE.

8. E.P.A. - WHILE THE ENVIRONMENTAL PROTECTION AGENCY IS THE
GOVERNMENT AGENCY TO REGULATE, MONITOR, AND INVOKE
PENALTIES FOR NON-COMPLIANCE THEY ARE REALLY ON YOUR SIDE.
GET TO KNOW YOUR REGIONAL DIRECTOR AND BE COOPERATIVE.
THEY ARE ONLY DOING THEIR JOB AND CAN MAKE YOURS MUCH
EASIER.

SHOULD YOU DESIRE A COPY OF OUR SPECIFICATIONS OR OTHER
PERTINENT DOCUMENTS, WE WOULD BE ABLE TO PROVIDE YOU THIS
INFORMATION FOR FIFTY DOLLARS (\$50.00) TO COVER COPYING,
POSTAGE AND HANDLING.

MAKE CHECKS PAYABLE TO:

GARY CAIN/RICHARD McMULLIN

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